

REISSUE LITIGATION
REMARKS

This preliminary amendment is submitted with the Reissue Application for U.S. Patent No. 6,370,715 (the '715 patent) on the grounds that the patentee claimed less than she had the right to claim in the patent. The '715 patent has not been assigned, and this 5 amendment is submitted within two years of the April 16, 2002 issue date of the '715 patent such that the broadening claims sought herein are permissible. 35 U.S.C. 251, MPEP § 1412.03.

Pending Litigation – Request for Expedited Examination

A patent infringement lawsuit was commenced by the applicant herein on 10 November 10, 2003 in the U.S. District Court for the Eastern District of California, Case No. CIV.S-03-2339 MCE DAD. A copy of the complaint is submitted herewith. A motion for preliminary injunction is being filed in that action, and is likely to be heard in January, 2004.

Pursuant to MPEP § 1442.01(D), the applicant specifically requests that this 15 application be examined at this time, and that there be no suspension of this application. The applicant requests expedited handling of this application in view of the litigation.

Amended Claims

The underlying patent (No. 6,370,715) was issued with 15 claims. Two of those claims (dependent Claims 2 and 9) are amended herein. The amendments change these two 20 dependent claims into independent claims. Each of Claims 2 and 9 were directed to an embodiment of the invention having an integrated support unit, but depended from an independent claim which referred to the support unit as having detachable panels. Claims 2

and 9 have been rewritten in independent form to claim the integrated support unit.

Antecedent basis for these amendments is found in the specification at column 1, lines 64-65 and at column 4, lines 15-16, among other places. No new matter has been introduced.

New Claims

5 New claims 16-32 are added by this amendment. No new matter has been introduced with these claims, and the antecedent basis for each claim is identified below.

Claims 16 and 18 are independent claims directed to an embodiment of the invention having a single integrated support unit, fabric cover and pad. Antecedent basis for the integrated support unit is found in the specification at column 1, lines 64-65, column 4, 10 lines 15-16, and Fig. 2; the fabric cover at column 4, lines 20-22; and the pad at column 4 lines 27-29.

Dependent claim 17 refers to a square version of the base plate, illustrated in Fig. 2.

Dependent claim 19 refers to an extended cover and pad, described at column 4, lines 22-23 and lines 30-31, and in Figs. 1 and 4.

15 Dependent claim 20 refers to a square version of the base plate, illustrated in Fig. 2.

Dependent claim 21 refers to a handle on the cover, described at column 4, lines 33-35 and in Figs. 9, 10 and 13.

Dependent claim 22 refers to a fabric hinge on the cover, described at column 4, lines 25-27 and in Fig. 8.

20 Dependent claim 23 refers to a pair of handles on the cover described at column 4, lines 33-35, and the fabric hinge described at column 4, lines 25-27 and in Fig. 8.

Dependent claim 24 refers to a means for securing the bed against itself at column 2,

lines 57-58, column 4, lines 35-37, and in Fig. 8.

Dependent claim 25 refers to a plurality of pockets on the outside cover described at column 2, lines 62-64, column 4, lines 51-55, and in Fig. 9.

Dependent claim 26 refers to a plurality of pockets on the inside cover described at 5 column 3, lines 11-13, column 4, lines 56-60, and in Fig. 10.

Dependent claim 27 refers to slots in the end wall described at column 2, line 66 – column 3, line 1.

Dependent claim 28 refers to openings in the base panel for receiving suction cups described at column 4, lines 42-47.

10 Claim 29 is an independent claim directed to a four-wall embodiment of the invention in a single integrated support unit with a gap in a partial side wall, fabric cover and pad. Antecedent basis for this version of the invention is found in the specification at column 4, line 66 – column 5, line 5, and in Fig. 14.

Dependent claim 30 refers to securing straps described at column 5, lines 9-11 and 15 in Fig. 14.

Claim 31 is an independent claim directed to an embodiment of the invention having a single integrated support unit, and pad. Antecedent basis for the support unit is found in the specification at column 4, lines 15-16 and lines 27-29.

Dependent claim 32 refers to a cover for the unit described at column 4, lines 20-22.

20 ***Offer to Surrender***

Applicant hereby offers to surrender the original patent.

REISSUE LITIGATION

Summary

The applicant has specifically requested examination pursuant to MPEP § 1442.02(D) despite the existence of pending litigation, and that such examination be expedited.

5 Two of the original claims of the underlying patent (Claims 2 and 9) have been amended, and 17 new claims have been added by this amendment.

A total of 32 claims are present as a result of this amendment, of which 10 are independent claims. A check in the amount of \$794 is enclosed representing the total small entity fee comprising:

10 (1) the \$385 filing fee (37 C.F.R. § 1.16(h));
(2) the independent claims fee of \$301 for the seven independent claims in excess of three at \$43 each (37 C.F.R. § 1.16(i)), created or added by this amendment; and
(3) a fee of \$108 for the 12 claims in excess of 20 and over the original patent at \$9 each (37 C.F.R. § 1.16(j)).

15 *Authorization to Charge Additional Fees*

The Office is hereby authorized to charge deposit account number 502429 for any additional fees that may be required by this paper.

REISSUE LITIGATION

In view of the above, it is submitted that all claims are in condition for allowance.

Allowance of the claims at an early date is solicited.

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Respectfully Submitted,

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